

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 20350 of 2003

Between:

D.Kutumba Rao, S/o.Sri.D.Subba Rao, Head of General Section,
J.N.Govt.Polytechnic, Ramanthapur, Hyderabad.

..... PETITIONER

AND

- 1 K.Sreedhar Rao, Principal, Government Polytechnic for Women,
Nizamabad.
- 2 Government of Andhra Pradesh, represented by its Secretary,
Higher Education (TE.2) Department, Secretariat, Hyderabad.
- 3 Commissioner of Technical Education, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of writ of Mandamus declaring the order passed in O.A.No.7596 of 2000 dt.20.8.2003 on the file of the Hon'ble A.P.A.T., Hyderabad as illegal, arbitrary and against the Rules and consequentially declare Memo No.11470/TE.2/99 DT.26.6.2000 issued by second respondent and proceedings No.C3/26014/97 dt.24.10.2000 issued by the third respondent as valid.

Counsel for the Petitioner: MR.P.V.S.S.S.RAMA RAO

Counsel for the Respondent No.1: MR.S.GOPAL RAO FOR R1

Counsel for Respondents 2 and 3: G.P. FOR SERVICES-I.

The Court made the following:

-

-

-

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (hereinafter referred to as the Tribunal) in O.A.No.7596 of 2000, dated 20.8.2003.

2. The petitioner was respondent before the Tribunal. The applicant before the Tribunal filed the above OA challenging the show cause notice dated 24.10.2000 and the Memo dated 26.6.2000. The Tribunal allowed the above OA. Against the said order, the present Writ Petition has been filed.

3. To narrate certain factual aspects, the petitioner was appointed as Instructor in Maths and Science on 5.6.1975 and thereafter he was selected as Junior Lecturer on 16.1.1976, to which post he was joined on 17.1.1976. After working as Junior Lecturer for a certain period, he was again reposted as Instructor in Maths and Science on 14.9.1976. Accordingly he joined the said post. It is his case that his probation was declared with effect from 29.9.1976. Aggrieved by the date of probation, he made a representation requesting the Government to change the date of probation to 5.6.1975 as he was in continuous service right from the date of his initial appointment. Considering the case of the petitioner, the Government accepted the request of the petitioner and decided to fix the date of completion of probation as 5.6.1975 and accordingly issued Memo dated 26.6.2000 and a show cause notice dated 24.10.2000. Against the said show cause notice and the Memo, the unofficial respondent filed the above OA., which went against the writ petitioner.

4. Now the scenario has been changed. The unofficial respondent has retired from service on 31.10.2004 and consequently he addressed a letter to the Principal Secretary, Higher Education Department, on 27.11.2004 requesting him to finalise the seniority as he is no more interested in the matter. Under these circumstances the matter has to be disposed of giving direction to the Government to pass final orders in pursuance of the show cause notice dated 24.10.2000 keeping in view the representation of the unofficial respondent dated 27.11.2004.

5. Accordingly, while setting aside the order of the Tribunal, the matter is remitted back to the Government for passing appropriate orders on the show cause notice dated 24.10.2000 and also the Memo dated 26.6.2000 keeping in view the representation of the unofficial respondent dated 27.11.2004. This exercise shall be done within a period of six (06) weeks from the date of receipt of a copy of this order.

6. The Writ Petition is accordingly allowed with the direction indicated above. No costs.

(G.BIKSHAPATHY, J.)

1st April, 2005.

(P.S.NARAYANA, J.)

SSR

Issue copy in a week.

(BO)

To

- 1 Sri K.Sreedhar Rao, Principal, Government Polytechnic for Women, Nizamabad.
- 2 The Secretary, Higher Education (TE.2) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
- 3 Commissioner of Technical Education, Andhra Pradesh, Hyderabad.
- 4 The Registrar, A.P. Administrative Tribunal, Hyderabad.
- 5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)
- 6 2 CD copies